

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

CARLOS RIOS HERNANDEZ,)
Institutional ID No. 29057-048,)
)
Plaintiff,)
)
v.) CIVIL ACTION NO.
)
H. BRYAN, Associate Warden,)
Dalby Correctional Facility, *et al.*,)
)
Defendants.)

ORDER

Plaintiff Carlos Rios Hernandez, acting *pro se*, filed a civil rights complaint pursuant to 42 U.S.C. § 1983 on November 8, 2013, and subsequently paid the \$400.00 filing fee. The complaint was transferred to the docket of the United States Magistrate Judge for judicial screening pursuant to 28 U.S.C. § 1915A by Order dated August 27, 2014.

On November 26, 2014, the United States Magistrate Judge entered an order requiring Plaintiff to answer a questionnaire within twenty (20) days from the date of the Order. Plaintiff was specifically admonished that his failure to respond to the November 26 Order could result in the dismissal of his complaint. Plaintiff did not answer the questionnaire or respond to the November 26 Order.

On January 12, 2015, the United States Magistrate Judge entered a second order requiring Plaintiff to answer a questionnaire within twenty (20) days from the date of the Order. Plaintiff was again admonished that his failure to respond to the Order could result in the dismissal of his complaint. As of this date, Plaintiff has failed to file answers to the questionnaire or respond to the November 26, 2014, or January 12, 2015, Order.

On March 24, 2015, the United States Magistrate Judge filed a Report and Recommendation which recommended that Civil Action No. 5:13-CV-00258-C be dismissed without prejudice for want of prosecution. As of this date, Plaintiff has not filed objections or responded to the Report and Recommendation.

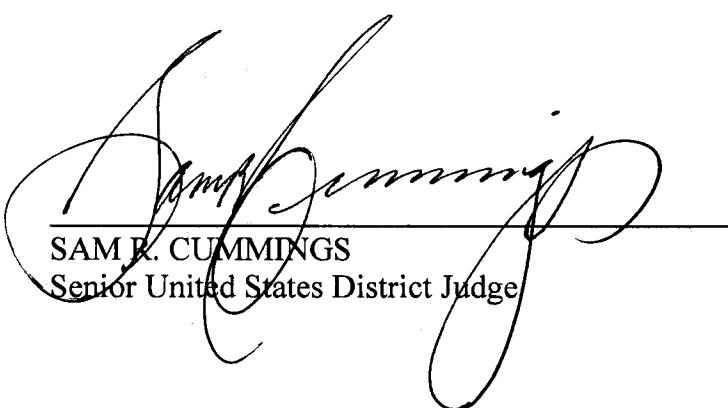
The undersigned Senior District Judge has made an independent examination of the record in this case and finds that as of this date, Plaintiff has failed to respond to the Magistrate Judge's Report and Recommendation or participate in the judicial screening of his complaint. Accordingly, the Magistrate Judge's findings and conclusions should be ADOPTED.

It is, therefore, **ORDERED**:

- (1) Civil Action No. 5:13-CV-00258-C and all claims alleged therein are DISMISSED without prejudice for want of prosecution.
- (2) Any pending motions are DENIED.
- (3) Plaintiff is advised that if he appeals this Order, he will be required to pay the appeal fee of \$505.00 or he must submit an application to proceed *in forma pauperis* and a 6-month Certificate of Inmate Trust Account at the same time he files his notice of appeal.

Judgment shall be entered accordingly.

Dated May 4, 2015.



SAM R. CUMMINGS
Senior United States District Judge